

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Oak Run)	
Solar Project, LLC for a Certificate)	Case No. 22-0549-EL-BGN
Environmental Compatibility and Public Need)	

**PETITION TO INTERVENE BY THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION 683**

The International Brotherhood of Electrical Workers, Local Union 683 (“IBEW Local 683” or “Local 683”), pursuant to Ohio Admin. Code 4906-2-12, respectfully requests to intervene in the above-captioned matter relating to the Oak Run Solar Project (the “Project”), an 800 MW solar facility with 300 MW of battery storage proposed to be constructed in portions of Monroe, Somerford, and Deercreek Townships in Madison County, Ohio. As set forth in the accompanying Memorandum of Law in Support, IBEW Local 683 has a real and substantial interest in this matter that is not represented by any existing parties. IBEW Local 683’s participation as a party will contribute to a just and expeditious resolution of the issue in the above captioned proceeding and will not cause undue delay or prejudice.

For these reasons, and those contained in the following Memorandum in Support, IBEW Local 683 respectfully requests that the Ohio Power Siting Board (the “Board”) grant its Petition to Intervene and grant IBEW Local 683 full rights and privileges as a party in this matter.

Dated: March 7, 2023

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
1391 Grandview Ave. #12460
Columbus, Ohio 43212
Telephone: (614) 330-6752
trent@hubaydougherty.com

Daniel F. Loud (*pro hac vice* pending)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
danielloud@quinnemanuel.com

*Counsel for the International Brotherhood of
Electrical Workers, Local Union 683*
(Counsel willing to accept service by email)

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Oak Run)	
Solar Project, LLC for a Certificate)	Case No. 22-0549-EL-BGN
Environmental Compatibility and Public Need.)	

**MEMORANDUM OF LAW IN SUPPORT OF
PETITION TO INTERVENE**

The International Brotherhood of Electrical Workers, Local Union 683 (“IBEW Local 683” or “Local 683”), respectfully submits this memorandum of law in support of its Petition to Intervene in the above-captioned matter (the “Petition”), filed herewith.

I. PRELIMINARY STATEMENT

IBEW Local 683 is a labor union and chapter of the International Brotherhood of Electrical Workers (“IBEW”), based in Columbus, Ohio. IBEW Local 683’s work jurisdiction covers Madison County, and there are 63 members of Local 683 that are themselves residents of Madison County. Members of Local 683 perform a wide variety of jobs including construction and utility work. Many members dedicate their entire careers to performing this type of work, and Local 683 also places a significant emphasis on training the next generation of electrical workers.

As a union representing electrical workers in Madison County and surrounding areas—many of whom may ultimately work on the Oak Run Solar Project (the “Project”) if it is approved—IBEW Local 683 has a unique interest in the economic benefits and career prospects offered by the Project. This interest is not represented by any current or prospective parties in the above-captioned matter, and would not delay the Board’s proceedings or prejudice any party. Therefore, the Board should grant the Petition.

II. ARGUMENT

A. The Applicable Standard Strongly Favors Granting Petitions to Intervene

IBEW Local 683 has timely filed the Petition in accordance with the Board's deadline. A timely petition to intervene shall be granted provided "good cause" exists for the party's intervention. Ohio Admin. Code § 4906-2-12(B). In determining whether good cause exists, the Board should consider four factors:

- (a) The nature and extent of the person's interest.
- (b) The extent to which the person's interest is represented by existing parties.
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding.
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Id. This four-part analysis strongly favors intervention. Indeed, the Ohio Supreme Court, applying a similar statutory standard for intervention, has held that "intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered." *Ohio Consumers' Couns. v. Pub. Util. Comm.*, 111 Ohio St. 3d 384, 388 (2006) (applying Ohio Rev. Code § 4903.221).

B. IBEW Local 683 Satisfies the Standard for Intervention

Under this favorable standard, intervention by IBEW Local 683 is warranted.¹ As set forth below, each of the four factors the Board should consider weigh in favor of granting the Petition.

¹ This Board has already found in two previous proceedings that other IBEW chapters were appropriate intervenors under substantially similar circumstances. *See, e.g., In the Matter of the Application of Scioto Farms Solar Project, LLC*, Case No. 21-868-EL-BGN, ALJ Entry dated May 26, 2022 (Local Union 575); *In the Matter of the Application of Birch Solar, LLC*, Case No. 20-1605-EL-BGN, ALJ Entry dated November 2, 2021 (Local Union 32).

1. IBEW Local 683's Interest

IBEW Local 683 and its members have a substantial pecuniary interest in the outcome of this proceeding. Local 683 has nearly 2500 members in Madison and surrounding counties, including 63 living in Madison County. These members frequently work in construction, including utility-scale construction, and many will likely work on this specific Project.² Therefore, the Project stands to directly benefit Local 683 and its members in several discrete ways. *First*, Local 683's members stand to gain lucrative job opportunities from the Project. *Second*, IBEW Local 683's interest in promoting training for future electrical workers will be advanced by such a substantial project within its jurisdiction. *Finally*, because Local 683 consists of many residents of Madison County and the surrounding area, Local 683's members and their families will benefit from increased government revenue resulting from the Project that can be spent to benefit Local 683's members in other ways, including increased spending on schools and infrastructure.³ Thus, IBEW Local 683 has a direct, substantial interest in the Project.

2. The Current Parties and Prospective Intervenors Cannot Represent IBEW Local 683's Interest

None of the current or anticipated parties in this proceeding can represent IBEW Local 683's interests. First, the Project applicant, Oak Run Solar Project, LLC ("Oak Run"), cannot effectively speak to the same local economic and labor interests as IBEW Local 683. While Local 683 anticipates that Oak Run may present evidence related to various local benefits of the Project, Oak Run itself will not construct the Project; rather, Oak Run has indicated that it plans to use a contractor for this purpose. *See* Application (1 of 32) dated September 2, 2022 at 56. Therefore,

² Indeed, Madison County may even *require* that 80% of workers on the Project be domiciled in Ohio to qualify for certain tax exemptions. *See* Ohio Rev. Code § 5727.75(f)(6).

³ IBEW Local 683 reserves the right to present additional evidence in favor of approving the Project at later stages in the proceeding.

as opposed to IBEW Local 683, Oak Run cannot adequately represent the workers and residents who will actually work on the Project.

The several municipalities and municipal agencies in Madison County (the “Intervening Municipalities”) that have petitioned to intervene in this proceeding also cannot represent IBEW Local 683’s interest. Local 683 expects that the Intervening Municipalities will take positions adverse to its own, as some of the Intervening Municipalities’ petitions to intervene have already indicated. *See* Monroe Township Petition to Intervene dated December 7, 2022 (“the Trustees feel there are other methods for this time [*sic*] of alternative energy to be produced”). Further, none of the Intervening Municipalities’ petitions have indicated that they will represent the economic interests of Local 683’s members.

3. IBEW Local 683 Would Contribute to a Just and Expeditious Resolution to the Proceeding

IBEW Local 683’s intervention would assist the Board in reaching a just and expeditious decision on the Project. Local 683 is uniquely positioned to offer useful evidence regarding the economic benefits of the Project through job creation, career training, and increased revenue for the Intervening Municipalities as a local union consisting of many residents of Madison County who may ultimately work on the Project. IBEW Local 683 may also supplement the record with a local perspective on construction and safety considerations relating to the Project. This evidence will be useful to the Board in determining that the Project is consistent with the public interest. *See* Ohio Rev. Code § 4906.10(a)(6).

Thus, IBEW Local 683’s intervention will provide the Board with a more complete factual record that will allow it to reach a just decision.

4. Granting the Petition Will Not Cause Delay or Prejudice

IBEW Local 683's intervention will not unduly delay the proceeding, as it is being filed by the intervention deadline set by the Administrative Law Judge, and IBEW Local 683 agrees to comply with all future deadlines. Because Local 683's intervention is timely, will not unjustly prejudice any party. *See, e.g., In the Matter of the Application of Smart Papers Holdings LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility*, 2010 WL 1838859, at *2 (Ohio P.U.C. Apr. 29, 2010).

III. CONCLUSION

For all the foregoing reasons, the Board should grant IBEW Local 683's Petition to Intervene in the above-captioned matter.

Dated: March 7, 2023

Respectfully submitted,

/s/ Trent Dougherty

Trent Dougherty (Bar No. 0079817)
HUBAY DOUGHERTY
1391 Grandview Ave. #12460
Columbus, Ohio 43212
Telephone: (614) 330-6752
trent@hubaydougherty.com

Daniel F. Loud (*pro hac vice* pending)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
danielloud@quinnemanuel.com

*Counsel for the International Brotherhood of
Electrical Workers, Local Union 683
(Counsel willing to accept service by email)*

CERTIFICATE OF SERVICE

I certify that The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case on this 7th day of March 2023.

/s/ Trent Dougherty

Trent Dougherty

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

3/7/2023 3:30:40 PM

in

Case No(s). 22-0549-EL-BGN

Summary: Motion MOTION TO INTERVENE OF INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION 683 AND
MEMORANDUM IN SUPPORT electronically filed by Mr. Trent A Dougherty on
behalf of International Brotherhood of Electrical Workers (IBEW) Local Union 683